IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTIETH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION No. 24823 of 2004

Between:

Kuchipudi Gandhi, S/o. Chinnabbai,

Hindu, aged about 39 years,

Occ: Assistant Secretary/Accountant,
The Primary Agricultural Cooperative Credit Society,

Chinthalpudi, Ponnur Mandal, Guntur District.

..... PETITIONER

AND

1 The District Cooperative Officer, Guntur.
2 The Dy. Registrar of Cooeprative Societies/

The Divisional Cooperative Officer,
Tenali, Guntur District.
3 The District Collector, (Cooperation), Guntur.
4 The District Cooperative Central Bank, rep. by its General Manager,
Guntur, Guntur District.
5 The Chinthalpudi Primary Agricultural Cooperative - Credit Society,

Chinthalpudi Ponnur, Ponnur Mandal,
Guntur District, Rep. by its Person incharge/Brach Manger.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a writ order or direction more one in the nature of writ of mandamus declaring the action of the respondent No.1 to 4 in not promoting the petitioner as secretary to the 5th respondent society, not withstanding the resolution of the 5th respondent society dt. 4.3.1998 to promote the petitioner as secretary, as illegal, arbitrary, and it is further consequently prayed that this Hon'ble Court may be pleased to direct the respondents to forthwith constitute a selection committee and promote the petitioner as secretary to the 5th respondent society dt. 4.3.1998 (Subject No.1 Resolution No.1).

Counsel for the Petitioner: MR.S. NARASIMHA RAO

Counsel for the Respondent No.1 to 3: GP FOR COOPERATION

The Court made the following:

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ORDER:

For not giving promotion to the petitioner as a Secretary of the 5th respondent society, in pursuance of the resolution dated 04.03.1998, passed by the 5th respondent, the present writ petition is filed.

The learned counsel for the petitioner contended that the 5th respondent passed a resolution dated 04.03.1998 for promoting the writ petitioner as a Secretary, but the respondents 1 to 4 have not taken any action. Hence, he prays to give a direction to the respondents.

On the other hand, the learned standing counsel appearing for the respondents 1 to 4 contended that the resolution, if any passed by the 5th respondent, does not confer any right to the writ petitioner to claim for promotion as a Secretary.

In the circumstances, without entering into the merits of the case, the Writ Petition is allowed, with a direction to the respondents 1 to 5 to consider the case of the writ petitioner for promotion as a Secretary to the 5th respondent society, in accordance with rules.

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30.12.2004

dsr

To:

1. The District Cooperative Officer,

Guntur

2. The Deputy Registrar of Cooperative Societies/

The Divisional Cooperative Officer, Tenali,

Guntur District

3. The District Collector,

(Cooperation) Guntur

4. The General Manager,

The District Cooperative Central Bank,

Guntur, Guntur District

5. The Person in-charge/Branch Manager,

The Chinthalapudi Primary Agricultural

Cooperative Credit Society,

Chinthalapudi Ponnur, Ponnur Mandal,

Guntur District

6. Two CCs to the Government Pleader

for Cooperation, High Court Buildings,

Hyderabad (OUT)

7. Two CD copies.